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STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

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13 August 2021

David J. (DJ) Ennis, P.G., Permit Lead
Permit Lead, Mining Act Reclamation Program
Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, NM 87505

RE: *Summa Silver Mogollon Minimal Impact Exploration, Additional Comments on the Potential Impacts to Mexican Spotted Owl, Permit No. CA027EM; NMDGF No. NMERT-1373.*

Dear Mr. Ennis,

It has come to the attention of the New Mexico Department of Game and Fish (Department) that Mexican spotted owl (*Strix occidentalis lucida*) has been observed and/or heard calling near the town of Mogollon, NM. The proposed exploration project is located approximately 1.2 miles to the west of designated critical habitat for the spotted owl. Since it is possible that a spotted owl could nest outside of the nearby, designated critical habitat, the Department recommends that Summa Silver consult with the U.S. Fish and Wildlife Service regarding potential impacts and guidance prior to any exploratory drilling activities.

To minimize potential impacts to spotted owl the Department recommends that all road work, drill pad construction, and drilling occur outside of the breeding and fledgling-dependency period (March 1 through August 31). After this period, juveniles typically disperse and adults are less tied to their territories and will wander more widely to avoid disturbance. If drilling activities cannot be avoided during the breeding and fledgling-dependency period, spotted owl surveys should be conducted within a 0.5-mile buffer zone prior to any road work, drill pad construction, and drilling. Surveys should be conducted by qualified biologists using the U.S. Fish and Wildlife Service, Mexican Spotted Owl Survey Protocol, 2012; (https://www.fws.gov/southwest/es/NewMexico/documents/SP/Mexican_Spotted_Owl_survey_protocol.pdf). If an occupied breeding territory is located within the 0.5-mile buffer zone, drilling activities should not occur until the young have fully fledged and dispersed from the area.

Thank you for the opportunity to provide additional comments on the proposed exploration project. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 476-8159 or ronald.kellermueller@state.nm.us.

Sincerely,

A handwritten signature in blue ink that reads "Virginia A. Seamster". The signature is written in a cursive style with a large initial "V".

Virginia Seamster, Ph.D. on behalf of Matthew Wunder, Ph.D.
Chief, Ecological and Environmental Planning Division

cc: USFWS NMES Field Office